

# **PLANNING BOARD MINUTES**

**July 14, 2010**

**Board members present:**

**Arthur Weber, Chairman   Ron Wolanski, Town Planner**

**Jan Eckhart, Vice Chairman   Frank Holbrook, Assistant Town Solicitor**

**Audrey Rearick**

**Richard Adams**

**Betty Jane Owen**

**Charlene Rose-Cirillo**

**Gladys Lavine**

**The meeting was called to order at 6:30 pm.**

**• Approval of the minutes of the June 9, 2010 regular meeting Planning Board meeting, and the special meeting held on June 28, 2010.**

**Motion by Ms. Owen, seconded by Ms. Rearick, to approve the June 9, 2010 and June 28, 2010 minutes. Vote: 7-0-0.**

**• August meeting date – Mr. Wolanski stated that both he and Alison Ring would not be available to attend the Planning Board meeting scheduled for August 11, 2010. The Board can proceed with the meeting on that date or reschedule to the following week. Motion by Ms. Rearick, seconded by Mr. Adams, to reschedule the regular August meeting to August 18th at 6:30 pm. Vote: 7-0-0.**

## **Old Business**

**1. Public Hearing – Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219 Request for Preliminary Plan Approval.**

**Mr. Holbrook recused himself from the discussion of this matter.**

**Mr. Weber stated that the proponent has agreed to and requested a continuance. He suggested that the matter be continued to the August Planning Board meeting.**

**Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the August 18, 2010 regular Planning Board meeting. Vote: 7-0-0.**

**2. Discuss proposed revisions to the subdivision regulations regarding the completion of infrastructure prior to issuance of building permits.**

**Mr. Weber stated that the Town Engineer is continuing to research practices in other communities regarding this issue.**

**By consensus the matter was continued to the August 18, 2010 Planning Board meeting.**

**3. Review of potential amendments to Zoning Ordinance Article 25A Wind Turbines regarding viewshed & historic landscape protection.**

**Mr. Weber described the changes that were made to the draft amendments by the Solicitor's office following the special meeting of June 28, 2010. The current draft for consideration by the Board is Draft 2.**

**Mr. Wolanski stated that the current draft reflects changes agreed to by the Board, including elimination of the requirement that the applicant identify important historical and scenic landscapes in the**

vicinity of the project and analyze impacts. One particular item of interest was the change in the draft amendment to eliminate the earlier proposed requirement that medium tower turbines be subject to the same submission requirements and process as a large-tower turbine.

Ms. Lavine and Mr. Eckhart asked about the process that would be used to evaluate an application's impact on views.

Mr. Wolanski stated that under the adopted ordinance the applicant is required to identify and photograph views that would be impacted. Additional views could be requested by the boards if necessary to properly evaluate the application.

Mr. Adams suggested that it might be helpful to create a hypothetical application and review it using the ordinance to test how the ordinance would work in practice.

Mr. Wolanski stated that it would be difficult to create a hypothetical application given the amount of technical documentation that is required by the ordinance to be included with the application.

Mr. Adams suggested that the ordinance should contain language that would allow for the evaluation of an application based in part on the potential environmental benefits of energy generated by wind power versus energy generated by fossil fuels.

There was discussion that such language, rather than being included in an ordinance, is more appropriate to a policy document such as the Comprehensive Plan. Mr. Wolanski and Mr. Holbrook advised that in approving an application, in addition to the minimum required findings necessary to allow the granting of a special use permit,

additional findings could be added to the decision. This could include a finding related to environmental impact.

Mr. Eckhart suggested that additional language could be considered for inclusion in the Comprehensive Plan relative to the environmental benefits of alternative energy generation.

Motion by Ms. Rearick to forward the proposed amendments as contained in the solicitor's latest draft to the Town Council with a recommendation in favor of adoption. There was no second to the motion.

Mr. Weber stated his concern that the current adopted ordinance is not consistent with the Comprehensive Plan.

Mr. Wolanski stated that the Solicitor advised during the June 28, 2010 special Planning Board meeting that the current ordinance is not inconsistent with the Comprehensive Plan. However, additional ordinance language to better implement the language of the Comprehensive Plan could be considered.

#### **4. Update on Comprehensive Community Plan 5-year update process**

Mr. Weber stated that the Comprehensive Plan Update Committee continues its review of the Land Use Element. The next meeting will be held on July 15, 2010 .

#### **New Business**

**5. Inland Western Middletown Browns Ln LLC, (Stop & Shop), Request for Development Plan Review approval to alter the exterior façade of an existing commercial building. 1360 West Main Rd., Plat 106, Lot 54.**

Representatives from Stop & Shop presented the project which

includes renovation of the front façade of the existing building. No site work is proposed. A sample of the proposed exterior materials, including Hardie Plank siding was presented. A waiver to allow for the use of the synthetic clapboard siding is requested.

The consensus of the Board was that the proposal brings the existing building into closer conformity with the commercial development design guidelines. Members expressed a desire for improvements to the parking lot, including additional landscaping. This should be accomplished as part of any future site work that might be proposed.

Motion by Ms. Owen, seconded by Ms. Cirillo, to grant the requested waiver from Section 521.2.C. – Regarding the use of synthetic exterior building materials, and to approve the application as submitted. Vote: 7-0-0.

6. Seguin Realty, LLC. (Toyota of Newport), Request for Development Plan Review approval to alter the exterior façade of an existing commercial building. 285 East Main Rd., Plat 113, Lot 20-A.

Attorney Robert M. Silva represented the applicant. He stated that the businesses owner was not able to attend.

Mr. Silva reviewed the history of the proposal, including the review that took place under the former Town Center Overlay District regulations. He believes that that prior 2006 approval may still be valid. Discussions with town officials indicated that approval under the Development Plan Review is now required. The approval previously granted by the Zoning Board of Review for the signs has been extended.

**Mr. Silva was asked if he had a written opinion from the Solicitor regarding the validity of the prior approval. He stated that he had requested a written opinion but did not receive one. He decided to proceed with the current application.**

**Mr. Weber stated that regardless of the 2006 approval, the current application is not consistent with the current commercial development design standards. Approval of this design would make it more difficult for the board in reviewing future applications.**

**Ms. Lavine asked about the illumination of the façade.**

**There was discussion of the proposed illuminated glass panels, and the appearance of the proposed façade, particularly at night. Mr. Siva stated that the panels would be translucent.**

**There was additional discussion regarding the prior application. Mr. Eckhart asked why the business owner did not proceed with the project following the 2006 approval.**

**Mr. Silva stated that he was not able comment on the reason his client did not proceed with the project at that time.**

**Ms. Cirillo stated that she believes that the requested waivers should be granted and that the application should be approved.**

**Some members expressed a desire to determine the validity of the 2006 decision.**

**Mr. Weber recommended that the matter be continued to the August Planning Board meeting, and that the Town Solicitor be asked to provide an opinion as to the validity of the 2006 approval.**

**Motion by Mr. Eckhart, seconded by Ms. Rearick to continue the matter to the August 18, 2010 regular Planning Board meeting, and to**

**request a written opinion from the Town Solicitor as to the current validity of the approval of the proposal granted in 2006 under the Town Center Overlay District regulations. Vote: 7-0-0.**

## **7. Other Business**

**Mr. Weber updated the board on the current work of the Aquidneck Island Reuse Planning Authority, including the hiring of the property reuse coordinator and the pending selection of a planning consultant to assist with the completion of the reuse plan for the surplus Navy properties.**

**Motion by Ms. Owen, seconded by Mr. Adams, to adjourn. Vote: 6-0-0**

**The meeting adjourned at 7:55pm**

**Respectfully submitted:**

**Ronald M. Wolanski**

**Town Planner**